THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 12602 of 2007

19-06-2007

Between:

T. Rebecca Heather

Petitioner

And

The Project Director, Outer Ring Road and Special Collector
(Land Acquisition), Hyderaabad Urban Development Authority,
Hyderabad and two others.

Respondents

THE HON'BLE SRI JUSTICE
GODA RAGHURAM

W.P.No. 12602 of 2007

Oral Order:

Heard the learned counsel for the petitioner Sri Vedula Venkataramana; the learned Government Pleader for Land Acquisition for the first respondent; the learned Government Pleader for Municipal Administration for the second respondent and Sri M. Dhanunjaya Reddy, learned counsel for the respondent No. 3 and at the request of the several counsel, the writ petition is

disposed of at the stage of admission.

The writ petition is filed seeking the relief of a declaration "that the action of the respondents in not considering the representation of the petitioner about the re-alignment of the Outer Ring Road at the point when it reaches the land in survey No. 325/1e of Vattinagulapalli village, Rajendranagar mandal, Ranga Reddy district, after deletion of the land in survey
No. 284 of the said village belonging to
M/s. Golconda Educational Society is arbitrary and illegal and consequently direct the respondents to examine the same and pass appropriate orders of re-alignment of the Outer Ring Road when it reaches the land of the petitioner in survey No. 325/1e of Vattinagulapalli village, Rajendranagar mandal, Ranga Reddy district and grant such other relief as it deems fit in the circumstances of the case."

The petitioner claims to be the owner and to being in possession and enjoyment of land in an extent of Acs.02-01½ guntas in survey No. 325/1e of Vattinagulapalli village, Rajendranagar mandal, Ranga Reddy district. He claims to have purchased the same under a registered sale deed dated 17-11-2003 from Ishrath Fatima and Farhath Fatima daughters of Sajjad Ali Khan.

The first respondent by a notification under Section 4 (1) of the Land Acquisition Act, 1894 (for short 'the Act') in O.R.R.No. 89 dated 21-04-2005 proposed acquisition of

lands in survey No. 325 of Vattinagulapalli village to the extent of Ac.05-02 guntas including the petitioner's land for the purpose of formation of the Outer Ring Road. Declaration under Section 6 of the Act was published on 20-04-2006 in O.R.R.No. 123 of 2005. In this declaration, the total extent proposed for acquisition was Acs. 04-23 guntas. The adjacent land in survey No. 284 in the same alignment for the Outer Ring Road was also proposed for acquisition and draft notification under Section 4 (1) of the Act and declaration under Section 6 of the Act were issued. The land in survey No. 284 belongs to M/s. Golconda Educational Society, a muslim minority educational institution.

A learned single Judge of this Court by the judgment dated

14-09-2006 allowed the W.P.No. 8778 of 2006 (filed by M/s. Golconda Educational Society challenging the acquisition) on the ground that the provisions of the Act are not available for acquiring the lands of minority educational institutions in view of the decision of the Supreme Court in ***Society of St. Joseph's College vs. Union of India***[1]. The learned single Judge declared the acquisition proceedings to the extent of the land belonging M/s. Golconda Educational Society, Hyderabad as void and unenforceable and quashed the same. The State carried the matter in appeal and a learned Division Bench by the judgment dated 10-11-2006 in W.A.No.

1188 of 2006 dismissed the appeal.

It is stated at the bar that in view of the legal disability as to the availability of power, the State is not proceeding with the compulsory purchase of the land of M/s. Golconda Educational Society under the provisions of the Act and is negotiating with M/s. Golconda Educational Society by offering it alternative land and that the process of negotiations is not concluded. If the land of M/s. Golconda Educational Society were not acquired by the State either by acquisition under the provisions of the Act or by negotiations, the width of the Outer Ring Road at the relevant point would be narrowed down considerably and the State's purpose in formation of the Outer Ring Road would not be achieved.

Taking initiative from the piquant situation and the predicament of the State in relation to the lands of M/s. Golconda Educational Society, the petitioner presented a representation on 21-05-2007 to the respondents, in particular the first respondent seeking re-alignment of the Outer Ring Road to avoid the acquisition of her land in survey No. 325/1 Vattinagulapalli village, Ranga Reddy district.

The singular grievance in this writ petition is that the respondents, in particular the first respondent has not yet considered her representation dated 21-05-2007 and are proceeding to pass an award.

The learned standing counsel for the first

respondent states that the said respondent would consider the petitioner's representation dated 21-05-2007, pass an order and communicate the same to the petitioner and till then, no award would be passed.

In view of the submission made, the principal grievance of the petitioner does not subsist. Recording the submission and the undertaking on behalf of the first respondent that no award in respect of the acquisition of the petitioner's land in an extent of Ac.02-01½ guntas of Vattinagulapalli village, Ranjendranagar mandal, Ranga Reddy district would be passed before the first respondent takes a decision on the petitioner's representation dated 21-05-2007 and communicates the same to her, the writ petition is disposed of. No costs.

GODA RAGHURAM, J

Dated: 19-06-2007
pvks

[1] .AIR 2002 SC 195